

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DATE FILED: <u>10/22/2021</u>

BETTER HOLDCO, INC.,

Plaintiff,

20-CV-08686 (JPC) (SN)

-against-

ORDER

BEELINE LOANS, INC.,

Defendant.

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SARAH NETBURN, United States Magistrate Judge:

On September 30, 2021, the parties submitted a joint letter identifying outstanding discovery disputes. After reviewing the parties' letter, the Court rules as following:

First, Plaintiff's request that Defendant be ordered to produce linked documents in a way that facilitates review is GRANTED. The parties are ordered to meet and confer in good faith to resolve this technical issue expeditiously. To facilitate resolution, Plaintiff is directed to provide Defendant with examples of emails Plaintiff believes are not properly related to the hyperlinked documents produced.

Second, Defendant's request that Plaintiff be ordered to identify specific responsive documents by Bates number with respect to its responses to Defendant's Document Requests 6, 22, and 23 is GRANTED. Plaintiff shall comply with this order by Tuesday, October 26, 2021.

Third, Defendant's request to reserve its right to conduct the deposition of Plaintiff's CEO after the close of fact discovery is DENIED without prejudice. Given the passage of time since the parties' letter has been filed, Defendant should know now whether it intends to seek the CEO's deposition. Accordingly, Defendant shall file a letter by Monday, October 25, 2021,

stating whether it will seek the CEO's deposition. Unless Plaintiff consents to producing its witness, Defendant shall also set forth its basis for seeking this witness's deposition. In such instance, Plaintiff shall file any response by Tuesday, October 26, 2021.

Fourth, Defendant's request that the Court overrule Plaintiff's counsel's objection to the deposition question as to what documents the witness reviewed in preparation for their deposition is GRANTED. This is a routine deposition question, and the objection is not proper.

Fifth, Plaintiff's request to disallow Defendant's Second Set of Interrogatories and Second Request for Production is DENIED, and Defendant's request to reserve its right to raise issues of non-compliance upon receipt of Plaintiff's responses to the Second Set of Interrogatories and Second Request for Production is GRANTED. Fact discovery has been extended to October 28, 2021, and the requests seek information relevant to other discovery permitted by this Order.

SO ORDERED.



SARAH NETBURN
United States Magistrate Judge

Dated: October 22, 2021
New York, New York